

From: Burgess Allison
To: Microsoft ATR
Date: 1/28/02 10:33am
Subject: Microsoft Settlement

I oppose the Proposed Final Judgment:

- * The Proposed Final Judgment fails to prohibit anticompetitive practices towards OEMs.
- * The Proposed Final Judgment fails to prohibit anticompetitive license terms currently used by Microsoft.
- * The Proposed Final Judgment fails to prohibit intentional incompatibilities historically used by Microsoft.
- * The Proposed Final Judgment preserves Microsoft's monopoly power--which Microsoft has been found guilty of abusing.
- * The Proposed Final Judgment does nothing to restore competition.
- * The Proposed Final Judgment allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is not in the public interest.

It is astonishing that this settlement was arranged and publicized as being pro-business in the aftermath of September 11. The Proposed Final Judgment is only "pro" for one business--Microsoft. It is anti-business for hundreds of other companies and for the overall health of the IT industry.

The Proposed Final Judgment is also anti-law and anti-courts. Microsoft demonstrated during hearings before the court a wanton disregard for the truth, and for the respect due to federal courts and the US Department of Justice. Its representations mocked the court system and the Department of Justice. To reward such a company with this Proposed Final Judgment is nonsensical, and would hurt the long term effectiveness of our antitrust laws and the respect for our system of justice.

Not to put too fine a point on it, but if this Final Judgment is approved, Microsoft will openly gloat about the accuracy of Bill Gates' prediction from 4 years ago, "There is no fine, there will be no fine, no-one ever pays a fine."

This hurts business and it hurts the justice system.

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Yes, I am a US citizen of voting age.

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